



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 27, 2014

Mr. W. Ron Baker, Chairman
Grant County Water Conservancy Board
1021 West Broadway Street
Moses Lake, WA 98837

Dear Mr. Baker:

Re: Receipt of Records of Decision for Applications for Change under Certificate Nos. G3-01352C(C); GRAN-13-07, G3-00884C(B); GRAN-13-08, 2802-A; GRAN-13-09, G3-22021C; GRAN-13-10, and 3320-A; GRAN-13-11

In accordance with RCW 90.80.080 and WAC 173-153-150, our office received the records of decision referenced above on January 24, 2014. The department will review the records of decision and affirm, reverse, modify, or remand the actions of the board by March 9, 2014.

However, the director may invoke, or the board or applicant may request, a 30-day extension beyond the date listed above as allowed under RCW 90.80.080(4). The department will notify all necessary parties should an extension be required.

If Ecology does not act by the date listed above, the water conservancy board must notify Ecology, the applicant, and any parties that have expressed interest about the applications of Ecology's failure to act [WAC 173-153-150(11)]. With agreement from Ecology, the board's decisions become final.

Should we have any questions or comments we will contact you prior to the end of the 45-day review period.

Sincerely,

A handwritten signature in cursive script, reading "Karen Tusa", is written over a horizontal line.

Karen Tusa
Processing Lead
Water Resources Program

KT:ka

52.0 acres lying within that portion of the E $\frac{1}{2}$ SW $\frac{1}{4}$, lying northerly of present PSH #2, and that part of the S $\frac{1}{2}$ N $\frac{1}{2}$ lying south of old PSH #2, and west of the centerline of abandoned USBR Railroad R/W; and the N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$; less that portion of the previously described proposed place of use under G3-00884C(A) that overlaps that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T. 25 N., R. 28 E.W.M. Grant County, Washington described as follows; Beginning at a USBR brass cap monument marking the center of said section; thence south 01°25'45" east, following the west boundary of said SE $\frac{1}{4}$ of said section 452.34 feet to the true point of beginning; thence south 01°25' 45" east, continuing to follow said west boundary 896.85 feet; thence south 89°38'23" east 814.23 feet; thence north 00°06'30" east 472.88 feet; thence south 89°59'41" west 218.00 feet; thence north 01°25'45" west 317.33 feet; thence north 88°23'05" east, parallel to the north line of said SE $\frac{1}{4}$, 351.69 feet, more or less, to the intersection with the old USBR Railroad R/W; thence north 22° 01'30" west following along said railroad R/W, 619.91 feet; thence south 41°46'48" west 93.52 feet; thence south 84°08'38" west 774.43 feet, more or less, to an intersection with the west boundary of said SE $\frac{1}{4}$, and the true point of beginning; ALL in Section 26, T. 25 N., R. 28 E.W.M., Grant County Washington; AND 28.1 acres lying within the S $\frac{1}{2}$ Section 17, T. 25 N., R. 30 E.W.M., Grant County, Washington

PARCEL NO.	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP 25 N	RANGE 28E&30E
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On page 4 of the Report of Examination under the heading "SEPA" the paragraph reads; "The Board has reviewed the proposed project. This project is not subject to SEPA as the threshold set for changes to groundwater withdrawals has not been met." **Ecology modifies this paragraph to read as follows: The Board has reviewed the proposed project in its entirety. A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.**

- It is a surface water right application for more than 1 cubic feet per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute
- It is an application that, in combination with other water right application for the same project, collectively exceeds the amounts above;
- It is part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305

On page 5 of the Report of Examination under the heading "Public Interest" the last paragraph shall be **deleted**.

On page 5 of the Report of Examination under the heading "Tentative Determination" the third and fourth paragraph read as follows; "The certificate is valid as stands, subject to subsequent change actions by the Board and any Department administrative changes affecting development."

"Under the change request, the total amount of water withdrawal from the existing source cannot exceed the amount within the certificated water right. The change/transfer request must not exceed the existing water right limits; no enlargement of the water right is allowed." **Ecology modifies these two paragraphs to read as follows: The certificate is valid as stands, subject to subsequent change/transfer recommendations by the water conservancy board and subsequent orders/modifications issued by the Department of Ecology.**

Under the change request, the total amount of water to be transferred from the existing source cannot exceed the amount of historical beneficial use under the water right. The change/transfer request cannot enlarge the water right.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:


- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>*

DATED this 6th day of March, 2014, at Spokane, Washington.


Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS:HS:ka

Enclosure: Your Right to Be Heard

By Certified Mail 7011 3500 0001 8621 9419

cc: Grant County Water Conservancy Board

7011 3500 0001 8621 9419

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PS Form 3811, July 2013

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3/7/14

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